

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

In re: Jeffrey A. Barker : Case No. 16-53244  
Cori R. Barker : Chapter 13  
: Judge John E. Hoffman, Jr.

Debtor(s)

CHAPTER 13 PLAN

**NOTE:** The term “Debtor” as used throughout this Plan shall reference either a single debtor or joint debtors. The term "Plan" shall refer to the plan filed in this case, as it may be amended, using the mandatory form plan adopted in this Division. All references to section (§) numbers are to sections of the United States Bankruptcy Code, 11 U.S.C. section § 101, et seq. The term “BR” shall refer to the Federal Rules of Bankruptcy Procedure. The term “LBR” shall refer to the Local Bankruptcy Rules of the Southern District of Ohio.

☒ Amended Plan

All pre-confirmation amendments to an original Mandatory Form Plan shall be accomplished by filing a complete Plan with the changes highlighted or reflected in bold or italic typeface.

☒ Above Median Income  
☐ Below Median Income

Insolvent unless otherwise  
marked below:  
☐ Solvent Estate

Dividend to unsecured creditors:  
55.30 %

Debtor claims to be eligible for discharge under § 1328(f) unless otherwise marked below:

- ☐ Debtor is not eligible for discharge under § 1328(f)  
☐ Joint Debtor is not eligible for discharge under § 1328(f)

Debtor

(1) filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on May 17, 2016

**OR**

(2) converted this case to a case under Chapter 13 on \_\_\_\_\_ (“Petition Date”).

**A. PAYMENTS**

**A(1). Plan Payments.**

The future earnings of Debtor are submitted to the supervision and control of the Trustee. Debtor shall pay the Trustee the sum of \$

1300.00 for four (4) months, then \$1,900 per month for eleven (11) months, then \$2,230.00 for the rest of the plan. Debtors shall contribute \$4,000 each year of the plan, from their tax refund, beginning 2017. The tax refund shall be contributed prior to May 30th of each given year.

per month (enter all step-payments), for a period not to exceed sixty months. Debtor shall commence payments within thirty days of the Petition Date, and distributions shall begin upon confirmation pursuant to § 1326(a). The effective date of the Plan shall be the date of entry of an order confirming the Plan.

From the payments so received, the Trustee shall make disbursements, subject to the Trustee's fee. The disbursement schedule is dependent upon receipt of regular monthly Plan payments. Any increases to monthly mortgage or escrow payments without corresponding changes to the Plan payment may impact the disbursement schedule. The Trustee has the discretion to calculate the amount and timing of distributions as is administratively efficient.

**A(2). Pre-Confirmation Adequate Protection Payments/Lease Payments.**

The following pre-confirmation adequate protection payments on claims secured by personal property and pre-confirmation lease payments for leases of personal property shall be paid by the Trustee, subject to his full fees, to the creditors listed below. Except as provided by § 501(c), secured creditors must file a proof of claim to receive payment. Unless otherwise ordered by the Court, these payments will be retained by the Trustee until confirmation and distributed after confirmation. If the case is dismissed or converted prior to confirmation, the Trustee will distribute the retained payments, pro rata, based on the adequate protection payment amounts.

Creditor	Property Description	Monthly Adequate Protection Payment

**A(3). Administrative Expenses, Attorney Fees, and § 1326 (b) Priority Payments.**

Administrative expenses, unitemized attorney fees, itemized attorney fees under LBR 2016-1(b)(2)(B), and priority payments as required by § 1326(b) shall be paid concurrently with Class 2 claims. The total unitemized attorney fee for services (not to exceed the amount set forth in LBR 2016-1(b)(2)(A)), or the estimated itemized fee under LBR 2016-1(b)(2)(B) is \$ 3,500.00 .

Debtor's attorney received \$ 190.00 prior to the Petition Date. The Trustee shall disburse a minimum monthly amount of \$ 261.00 to Debtor's attorney until the balance of

MANDATORY FORM PLAN (10/01/2010) Revised 04/01/2012

\$ 3,310.00 is paid in full. Fees for independent appraisals of real estate and utility deposits will be paid as administrative expenses pursuant to § 503 upon the timely filing of a proof of claim. The Trustee may pay in one lump sum any administrative claim that is less than \$500.00.

**B. CLASS 1—CLAIMS SECURED BY REAL PROPERTY**

Except as set forth in section B(3), all secured creditors secured only by a security interest in real property shall retain their liens until the later of issuance of a discharge or payment of the underlying debt as determined under non-bankruptcy law.

**B(1). Mortgage Payments Outside the Plan.**

Regular monthly payments on the following mortgage claims will be paid directly by Debtor, if direct payments are permitted by LBR 3015-1(d)(1):

Creditor	Property Address

**B(2). Conduit Mortgage Payments.**

Regular mortgage payments on the following mortgage claims will be paid on a conduit basis by the Trustee, subject to his full fees, beginning with the first calendar month after the Petition Date, if conduit payments are required by LBR 3015-1(d)(1) or proposed by Debtor. Confirmation of the Plan shall impose an affirmative duty and legal obligation on the holders and/or servicers of mortgage claims to do all of the following, unless the case is dismissed or converted:

(a) Apply the post-petition conduit mortgage payments as post-petition monthly payments of principal and interest on the mortgage note, and, if applicable, as post-petition monthly payments of escrowed items such as insurance and/or real estate taxes. If such payments are placed into a suspense, forbearance or similar account, they will be deemed to have been applied pursuant to this subsection.

(b) Apply the payments received from the Trustee for payment on the arrearage, if any, only to such arrearage. The arrearage shall be deemed paid in full upon the entry of the discharge order in this case, unless otherwise ordered by the Court

(c) Deem the pre-petition arrearage contractually current upon confirmation of the Plan so as to preclude the imposition of late payment charges or other default-related fees and services.

(d) File and serve a Notice of Mortgage Payment Change on Official Form 10S1, within the deadline and in compliance with the service requirements set forth in BR 3002.1(b), to reflect any changes in the monthly mortgage payments or escrow amounts that occur during the term of the Plan. Upon the filing of a Notice of Mortgage Payment Change, the Plan shall be deemed modified to permit the Trustee to disburse the amended payment amount.

Creditor	Property Address	Monthly Conduit Mortgage Payment
Vanderbilt	4200 Township Road 233, Cardington, Ohio 43315	\$973.03

**B(3). Liens and/or Mortgages to be Paid as Unsecured Claims.**

The following claims secured by a lien and/or mortgage will be paid as unsecured claims concurrent with Class 5 general unsecured claims. Debtor shall file a separate motion or adversary proceeding to determine: (i) whether the property listed below vests free and clear of the lien(s) and/or mortgage(s) pursuant to § 1327 or (ii) whether the lien(s) and/or mortgage(s) listed below may be avoided pursuant to other applicable provisions of the Bankruptcy Code. Notwithstanding § 1327(a), confirmation of the Plan shall not be dispositive of: (i) the valuation of the collateral or (ii) the secured status of the claims. Debtor has standing and authority to file the motion or adversary proceeding; to the extent that the Trustee has standing to bring such action, standing is hereby assigned to Debtor.

Creditor	Property Address
Board of Commissioners of Morrow County	4200 Township Road 233, Cardington Ohio 43315

**B(4). Liens and/or Mortgages Which May Be Modified.**

Liens and/or mortgage claims listed in this subsection consist of any claims secured by real property that is not the Debtor's principal residence or secured by other assets in addition to the residence. To the extent the claim of the lien holder and/or the mortgage claim holder is in excess of the value of the estate's interest in the collateral, the balance shall be treated as a Class 5 general unsecured claim. Unless otherwise stipulated or determined by order of the Court, the real property shall be valued for purposes of § 506 as set forth by Debtor below.

Creditor	Property Address	Value of Collateral	Interest Rate	Minimum Monthly Payment

**B(5). Real Property to be Surrendered.**

(a) Debtor will surrender the following real property and any resulting deficiency balance shall be treated as a Class 5 general unsecured claim.

Creditor	Property Address

(b) The Trustee shall not pay any claims secured by this real property until a timely filed secured proof of claim is amended to set forth the unsecured deficiency balance after disposition of the real property. Such amendments shall be filed no later than 365 days after confirmation of the Plan; amendments filed after that date shall be deemed disallowed and subject to discharge under § 1328 unless otherwise ordered by the Court. The Trustee will make no distributions in respect of mortgage payments, mortgage arrearages, or real estate taxes on surrendered real property, unless otherwise provided in the Plan or by order of the Court.

(c) Upon confirmation of the Plan, the automatic stay of § 362 shall be deemed modified to allow *in rem disposition* of the real property as necessary to effect the surrender.

NOTE: If, at any time after confirmation, sufficient funds are not available to make a full monthly payment on all Class 1 claims, at the Trustee's discretion, the available funds will be distributed pro rata on Class 1 claims. Any post-petition mortgage arrearages will be paid prior to payment of Class 2 claims.

**C. CLASS 2—CLAIMS SECURED BY PERSONAL PROPERTY; UNEXPIRED LEASES**

**C(1). Lien Retention and Interest.**

All secured creditors secured only by a security interest in personal property shall retain their liens until the earlier of issuance of a discharge or payment of the underlying debt as determined under non-bankruptcy law. Unless otherwise stipulated or provided for below, secured creditors shall be paid interest at the rate of 5.00 %.

**C(2). To Be Paid in Full (i.e., § 506 Does Not Apply).**

The Trustee shall pay the following claims in full:

Creditor	Property Description	Purchase Date	Estimated Claim Amount	Interest Rate	Minimum Monthly Payment

**C(3). Claims to Which § 506 Applies.**

Claims listed in this subsection consist of any claims secured by personal property not described above. To the extent a secured creditor's claim is in excess of the collateral value, the balance shall be treated as a Class 5 general unsecured claim. Unless otherwise stipulated or determined by order of the Court, the personal property shall be valued for purposes of § 506 at the lower of the creditor's valuation set forth on its proof of claim or the valuation set forth by Debtor below:

Creditor	Property Description	Purchase Date	Value of Collateral	Interest Rate	Minimum Monthly Payment

**C(4). Personal Property to be Surrendered**

Debtor will surrender the following property and any resulting deficiency balance shall be treated as a Class 5 general unsecured claim:

Creditor	Property Description

**C(5). Executory Contracts and Vehicle Leases.**

(a) Debtor rejects the following executory contract(s) and/or vehicle lease(s) and any resulting claim shall be treated as a Class 5 general unsecured claim:

Creditor	Property Description

(b) Debtor assumes the executory contract(s) and/or vehicle lease(s) listed below. The Trustee shall pay vehicle lease payments unless otherwise ordered by the Court. Debtor shall pay all other lease or executory contract payments unless otherwise specified below. All payments under this section will begin the first calendar month following the Petition Date.

Creditor	Property Description	Termination Date	Monthly Payment Amount To be Paid Directly by Debtor	Monthly Payment Amount To be Paid by Trustee

**NOTE:** If at any time after confirmation sufficient funds are not available to make a full monthly payment on all Class 2 claims, at the Trustee's discretion, the available funds will be paid pro rata on Class 2 claims and administrative expense claims.

**D. CLASS 3—PRIORITY CLAIMS AND DOMESTIC SUPPORT OBLIGATIONS****D(1). Priority Claims.**

Class 3 claims will be paid pro rata and concurrently with Class 4 claims. All allowed claims entitled to priority under § 507(a) shall be paid in full unless: (i) otherwise provided for in § 1322(a), or (ii) the holder of a particular claim agrees to a different treatment of its claim. Any and all pre-petition penalties, and post-petition penalties and interest, that have accrued or will accrue on any such claims shall be treated as Class 5 general unsecured claims and shall not be entitled to priority.

**D(2). Domestic Support Obligations.**

(a) Domestic support obligations (DSOs) are defined in § 101(14A). Debtor shall pay all post-petition DSOs directly to the DSO creditor and not through the Trustee. Upon completion of the Plan, Debtor shall certify to the Court that all payments on post-petition DSOs have been made. If Debtor becomes subject to a DSO during the term of the Plan, Debtor shall file with the Court and serve on the Trustee a notice reflecting the nature of the DSO, and the name and address of the DSO creditor.

Pre-petition arrearages on DSOs shall be paid as follows:

<b>Name of DSO Creditor</b>	<b>Name &amp; Address of CSEA</b>	<b>Estimated Arrearage Amount, if any, to be Paid Directly by Debtor</b>	<b>Estimated Arrearage Amount, if any, to be Paid by Trustee</b>

(b) Name of governmental unit to which a DSO has been assigned, or is owed, or is recoverable by, and the estimated amount of the DSO:

<b>Creditor</b>	<b>Governmental Unit</b>	<b>Estimated DSO Amount</b>	<b>To be Paid Directly by Debtor</b>	<b>To be Paid by Trustee</b>



**E. CLASS 4—SECURED CLAIMS NOT OTHERWISE DESIGNATED**

**E(1). Payment of Class 4 Claims.**

Class 4 claims including itemized post-confirmation attorney fees per LBR 2016-1(c), pre-petition mortgage arrearages, pre-petition and post-petition lease arrearages, real estate taxes and other secured claims not otherwise designated shall be paid pro rata, concurrently and in full with Class 3 claims.

**NOTE:** No interest shall be paid on any pre-petition mortgage arrearages as part of the cure of the default if the mortgage was executed after October 22, 1994.

**E(2). Pre-Petition Arrearages on Real Estate Mortgage(s).**

The Trustee shall distribute payments to cure the following pre-petition mortgage arrearages:

Creditor	Property Address	Estimated Arrearage Amount
Vanderbilt	4200 Township Road 233, Cardington, Ohio 43315	\$35,000.00

**E(3). Arrearages on Assumed Leases and Executory Contracts.**

The Trustee shall distribute payments to cure the following arrearages on assumed leases and/or executory contracts:

Creditor	Property Address/Description	Estimated Arrearage Amount

**F. CLASS 5—GENERAL UNSECURED CLAIMS**

**F(1). Unsecured Dividend.**

After payment of allowed claims in Classes 1, 2, 3 and 4, allowed general unsecured claims shall be paid a dividend as provided on page one of the Plan.

Notwithstanding the expiration of the claims bar date, the Trustee is authorized to modify the Plan post-confirmation to ensure that plan length meets the "applicable commitment period" provided by § 1325(b) by filing a motion with the Court.

**F(2). Solvency.**

If this is a solvent estate, all general unsecured claims shall be paid in full with interest at

5.00 %, unless otherwise provided.

**G. MISCELLANEOUS PROVISIONS**

**G(1). Co-Debtor Claims not Otherwise Provided for in the Plan.**

(a) The following co-debtor claims will be paid in full by the Trustee concurrently with Class 4 claims to protect the co-debtor:

Creditor	To be Paid in Full with Interest at Rate Specified Below	Minimum Monthly Payment, if Applicable

(b) The following co-debtor claims will be paid as follows:

Creditor	To be Paid by Co-Debtor Outside the Plan	To be Paid Same Dividend as General Unsecured Claims

**G(2). Sale of Property.**

Debtor proposes to sell the real or personal property described below following Trustee and/or Court approval as required by LBR 6004-1(c)–(d). Debtor shall commit the net proceeds as follows:

Property Address/Description	Date by Which Sale Shall be Completed	Estimated Net Proceeds	Disposition of Net Proceeds

**G(3). Tax Returns.**

All required tax returns have been filed except as provided below:

Tax Agency	Type of Tax	Tax Period	Date Return will be Filed

**G(4). Vesting.**

Unless marked below, confirmation of the Plan vests all property of the estate in Debtor free and clear of any claim or interest of any creditor provided for by the Plan pursuant to § 1327(b) and (c).

- ☐ Property of the estate shall not vest in Debtor upon confirmation but shall remain property of the estate until the case is dismissed, converted, or a discharge is issued, whichever occurs first.

**G(5). Other Events.**

If any of the following occurs, Debtor shall fully and timely disclose the event to the Trustee and shall file any appropriate notice, application and/or motion with the Trustee and/or Court:

- Any change in marital status or child/spousal support payments;
- Any change in employment;
- Any change of address; and/or
- Any financial recovery to which Debtor becomes entitled for any reason, including without limitation, any personal injury claim, employment claim, workers' compensation claim, unemployment claim, inheritance, life insurance benefits, lottery proceeds or property settlement.

**G(6). Insurance Information.**

As of the Petition Date, Debtor's property is insured as follows:

Property Address/ Description	Insurance Company	Policy Number	Full/Liability	Agent and Contact Information	
4200 Township Road 233, Cardington Ohio 43315	State Farm		Full		

**G(7). Casualty Loss Insurance Proceeds (Substitution of Collateral).**

If a motor vehicle is substantially damaged while subject to an unpaid secured claim, Debtor shall have the option, upon the filing of an appropriate motion, of using the proceeds of any insurance payable due to loss of the vehicle to: (i) repair the vehicle, (ii) pay off the balance of the secured claim if the secured creditor is a named loss payee on the policy, or (iii) substitute the collateral by purchasing a replacement vehicle. If Debtor purchases a replacement vehicle, the vehicle shall have a value not less than the balance of the unpaid secured claim, the lien of the creditor shall be transferred to the replacement vehicle, and the Trustee will continue to pay the allowed secured claim. Debtor may not purchase a replacement vehicle without Trustee and/or Court approval as required by LBR 4001-3(b)–(d).

**G(8). Post-Petition Debt.**

Debtor shall not incur any non-emergency consumer debt in excess of \$1,000 without Trustee and/or Court approval. LBR 4001-3(b)–(d).

**H. SPECIAL PROVISIONS**

The Special Provisions listed below, if any, are restricted to those items applicable to Debtor's particular circumstances.

**NOTE:** Special Provisions shall **NOT** contain a restatement of provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure or the Local Bankruptcy Rules, nor shall this section contain boilerplate language regarding the treatment of mortgages, mortgage arrearages, proofs of claim, consumer protection provisions or the like. *See* General Order No. 7.

Special Provisions:		
1.	Morrow County Treasurer shall be treated as a secured debt and paid pro rata through the chapter 13 plan.	
2.	Debtor shall make plan payments in the amount set forth in the Plan for no less than the applicable commitment period, but not to exceed 60 months. The dividend to be paid to unsecured creditors shall be no less than the dividend set forth on page one of the plan	

The undersigned hereby certify(ies) that the Plan does not contain any alterations to the text of the Mandatory Form Plan, except as authorized by order of the Court.

<b>Case Attorney:</b>	
/s/ Katharine R. Granger	

Dated: September 27, 2016

<b>Debtor</b>	
/s/ Jeffrey A. Barker	

<b>Joint Debtor</b>	
/s/ Cori R. Barker	

Dated: September 27, 2016

Dated: September 27, 2016

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In re: : Case No. 16-53244  
  
Jeffrey A. Barker, : Chapter 13  
Cori R. Barker :  
Debtors : Judge John E. Hoffman Jr.

**NOTICE AND CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the attached Debtors' Amended Chapter 13 Plan was served by ordinary US mail and/or electronically this date on the parties whose names and full addresses are listed below and for NOTICE that the attached Chapter 13 Plan has been filed. The Debtors may be subject to a confirmation of this Amended Plan unless within twenty-one (21) days after this date a written memorandum in opposition, along with a request or a hearing on such opposition, is filed with the Clerk of Court, 170 N. High Street, Columbus, Ohio and served on the undersigned.

DATE: 09/27/16

/s/ Katharine R. Granger  
Katharine R. Granger (0079143)  
3757 Attucks Drive  
Powell, OH 43065  
Attorney for Debtor  
(614) 389-4941 Telephone  
(614) 389-3857 Facsimile  
kgranger@granger-law-firm.com

**SERVED ELECTRONICALLY:**

U.S. Trustee  
170 N. High Street, Suite 200  
Columbus, Ohio 43215

Faye English

Chapter 13 Trustee

Brian M Gianangeli  
6305 Emerald Parkway  
Dublin, OH 43016

**SERVED VIA ORDINARY MAIL:**

Attached List excluding Katharine Granger, US Trustee, Brian Gianangeli and Faye English

Label Matrix for local noticing

AEP

PO Box 24418

Canton, OH 44701-4418

Advance America

4644 Brandt Pike

Dayton, OH 45424-6076

0648-2

Case 2:16-bk-53244

Southern District of Ohio

Columbus

Tue Sep 27 12:15:43 EDT 2016

American Electric Power

Attn Bankruptcy

1 AEP Way

Hurricane WV 25526-1231

American InfoSource LP as agent for

Verizon

PO Box 248838

Oklahoma City OK 731248838

Asst US Trustee (Col)

Office of the US Trustee

170 North High Street

Suite 200

Columbus, OH 43215-2417

BONY Mellon by servicing agent

Vanderbilt Mortgage and Finance, Inc.

PO BOX 9800

Maryville, TN 37802-9800

Cori R. Barker

4200 Township Road 233

Cardington, OH 43315-9327

Jeffrey A. Barker Sr.

4200 Township Road 233

Cardington, OH 43315-9327

Board of Commissioners of Morrow County

80 N. Walnut Street #A

Mount Gilead, OH 43338-1359

Capital One

PO Box 5253

Carol Stream, IL 60197-5253

Check into Cash

2117 Eakin Road

Columbus, OH 43223-3219

Columbus Appraisal Company, LLC

PO Box 1946

Powell, OH 43065-1946

Comenity Bank

PO Box 182120

Columbus, OH 43218-2120

Faye D. English

Chapter 13 Trustee

10 West Broad Street

Suite 900

Columbus, OH 43215-3449

Brian M Gianangeli

6305 Emerald Parkway

Dublin, OH 43016-3241

Grady Memorial Hospital

561 West Central Avenue

Delaware, OH 43015-1489

Katharine R Granger

3757 Attucks Drive

Powell, OH 43065-6080

HSBC

PO Box 30253

Salt Lake City, UT 84130-0253

JC Penney

PO Box 965007

Orlando, FL 32896-5007

Javitch Block &amp; Rathbone LLC

1100 Superior Avenue

19th Floor

Cleveland, OH 44114-2521

Kirby

1920 West 114th Street

Cleveland, OH 44102-2391

Marion General Hospital

1000 McKinley Park Drive

Marion, OH 43302-6397

Morrow County Hospital

651 W. Marion Street

Mount Gilead, OH 43338-1096

Morrow County Treasurer

48 E. High Street #4

Mount Gilead, OH 43338-1458

National Cash Advance

4633 Morse Centre Drive

Columbus, OH 43229-6601

(p)NATIONWIDE INSURANCE

SERVICE OF PROCESS TEAM

THREE NATIONWIDE PLAZA

MAIL CODE 3-11-310

COLUMBUS OH 43215-2410

Ohio Department of Taxation

Bankruptcy Division

P.O. Box 530

Columbus, OH 43216-0530

Ohio Health

5350 Frantz Road

Dublin, OH 43016-4259

Progressive

6300 Wilson Mills Road

Cleveland, OH 44143-2182



Riverside Methodist Hospital

PO Box 182141

Columbus, OH 43218-2141

Santander Consumer USA

8585 N Stemmons Fwy

Suite 1000

Dallas, TX 75247-3822

Sears

PO Box 183082

Columbus, OH 43218-3082

(p)SPRINT NEXTEL CORRESPONDENCE  
ATTN BANKRUPTCY DEPT  
PO BOX 7949  
OVERLAND PARK KS 66207-0949

State of Ohio Department of Taxation  
PO Box 530  
Columbus, OH 43216-0530

Time Warner Cable  
PO Box 0916  
Carol Stream, IL 60132-0916

(p)VANDERBILT MORTGAGE AND FINANCE INC  
P O BOX 9800  
MARYVILLE TN 37802-9800

Verizon Wireless  
PO Box 26055  
Minneapolis, MN 55426-0055

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Nationwide Insurance  
1 Nationwide Plaza  
Columbus, OH 43215

Sprint  
PO Box 7949  
Overland Park, KS 66207

Vanderbilt  
500 Alcoa Trail  
Maryville, TN 37804

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Ohio Department of Taxation

(d)Vanderbilt Mortgage and Finance, Inc.  
PO Box 9800  
Maryville, TN 37802-9800

End of Label Matrix	
Mailable recipients	37
Bypassed recipients	2
Total	39